

Serial No.: 09/841,837
Group Art Unit: 2637

REMARKS

Allowable Subject Matter

Claims 4-13, and 18-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant has amended the claims to correct formatting and punctuation.

With regard to claim 4, claim 4 has been rewritten in independent form including all of the limitations of the base claim 1 and intervening claims 1 and 3.

With regard to claim 5, this claim depends from allowable claim 4.

With regard to claim 6, this claim depends from allowable claim 5.

With regard to claim 7, this claim depends from allowable claim 6.

With regard to claim 8, this claim depends from allowable claim 7.

With regard to claim 9, this claim depends from allowable claim 8.

With regard to claim 10, this claim depends from allowable claim 9.

With regard to claim 11, this claim depends from allowable claim 9.

With regard to claim 12, this claim depends from allowable claim 11.

With regard to claim 13, this claim depends from allowable claim 11.

With regard to claim 18, claim 18 has been rewritten in independent form including all of the limitations of the base claim 14 and intervening claims 15-17.

With regard to claim 19, this claim depends from allowable claim 18.

With regard to claim 20, this claim depends from allowable claim 19.

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Claim Rejections - 35 USC §102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Pottinger et al. (US 4,918,708, hereinafter "Pottinger").

With regard to claim 1-3, these claims have been cancelled and the rejections are now moot.

Claim 14 is rejected under 35 U.S.C. 102(b) as being anticipated by Kletsky et al. (US 5,751,766, hereinafter "Kletsky").

With regard to claim 14, this claim has been cancelled and the rejection is now moot.

Claim Rejections - 35 USC §103

Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kletsky et al. (US 5,751,766, hereinafter "Kletsky").

With regard to claim 15-17, these claims have been cancelled and the rejections are now moot.

Response to Arguments

The Examiner stated that Applicant's arguments regarding drawings and claims 1, 2, and 14 filed February 3, 2005 have been fully considered but are not persuasive. The Examiner states:

"With regard to applicant's argument regarding drawings. While MPEP 601.01(f) does state that applications for processes can be filed without drawings. Examiner first notes that this is not applicable in view of the fact that the applicant did file some drawings with application."
[underlining for clarity]

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With regard to claim 2, it is respectfully submitted that the filing of some drawings is stronger evidence that the invention was filed by the inventors with all the drawings necessary for one of ordinary skill in the art to understand the invention.

Further, the step of storing values is well known in the art and every computer system employs this step.

Thus, *In re Skrivan*, 427F.2d 801, 166 USPQ 85, 88 (C.C.P.A. 1970), governs in this situation. *In re Skrivan, supra*, held that the specification and claims may not be rejected as nonenabling under Section 112, first paragraph, when details in the claims that are not directly disclosed in the specification (of which the drawings are a part) are within the level of ordinary skill in the art. That is, the specification need not recite details of the claims where one of ordinary skill in the art would consider these details obvious.

The Examiner stated that with regard to applicant's argument regarding the 35 USC 101 rejection of claim 1, applicant's argument has been fully considered and is persuasive, therefore the rejection of claim 1 under 35 USC 101 is withdrawn.

Applicants appreciate the withdrawal of this rejection but this rejection is moot since claim 1 has been cancelled.

The Examiner stated further arguments with regard to applicant's argument regarding the rejection of claim 1 under 35USC 102(b) as being anticipated by Pottinger et al. (US 4,918,708, hereinafter "Pottinger").

With regard to claim 1, this claim has been cancelled and the rejection is now moot.

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The Examiner stated further arguments with regard to applicant's argument regarding the rejection of claim 2 under 35 USC 102(b) as being anticipated by Pottinger et al. (US 4,918,708, hereinafter "Pottinger").

With regard to claim 2, this claim has been amended to depend from allowable claim 4 and is now believed to be allowable.

The Examiner stated further arguments with regard to applicant's argument regarding the rejection of claim 14 under 35 USC 102(b) as being anticipated by Kletsky et al. (US 5,751,766, hereinafter "Kletsky").

With regard to claim 14, this claim has been cancelled and the rejection is now moot.

The Examiner stated that applicant's arguments (page 9, Response filed February 3, 2005) with respect to the rejection of claims 15-17 under 35 USC 102(b) have been fully considered and are persuasive, and the rejection has been withdrawn.

"However, upon further consideration, a new ground(s) of rejection is made in view of Kletsky (766)."

With regard to claims 15-17, these claims have been cancelled and the rejections are now moot.

Drawings

The Examiner stated that the drawings are objected to under 37 CFR 1.83(a) because they fail to show operation of methods as described in the specification.

Please see Response to Arguments (above) regarding Examiner's objection to Drawings.

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Other

The Examiner stated that the prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"Bernard (US-5,394,185), Tajiri (US-5,946,359), Williams (US-6,151,559), Al-Araj (US-6,556,239), and Kuntz (US-6,671,334) all disclose inventions in related fields of applicant's invention. NPL references describe general concepts of system testing."

The other references cited by the Examiner showing the prior art have been considered and are not believed to disclose, teach, or suggest, either singularly or in combination, Applicants' invention as claimed.

Conclusion

In view of the above, it is submitted that the claims are in condition for allowance and reconsideration of the rejections is respectfully requested. Allowance of claims 2, 4-13, and 18-20 at an early date is solicited.

A petition for a two-month extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including the two-month extension of time fees, to Deposit Account No. 50-0374 and please credit any excess fees to such deposit account.

Respectfully submitted,



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